REMARKS

Claims 1-17 and 20-33 stand rejected. Applicants are hereby amending claims 1, 2, 12, 13, 20, 22, 27, 28 and 30-33. Support for all amendments is found in the application as originally filed. Reconsideration of this application as amended, and allowance of all claims remaining herein, claims 1-17 and 20-33 as amended, are hereby respectfully requested.

This Amendment B is not being submitted pursuant to the provisions of Rule 116, because it is being submitted in conjunction with a Request for Continued Examination.

The Examiner objected to the specification for allegedly failing to provide antecedent basis for the claimed subject matter. Specifically, the Examiner stated that the specification failed to provide antecedent basis for the claim limitations "automatically" generating an access control time, "automatically" generating a virus alert time, and determining the executability of content in "real time." Although Applicants respectfully traverse the objection, and for the record note that ample support for these limitations is found throughout the specification, the objection is moot in light of the present amendments. Support in the specification for the presently added limitations is cited in the discussion of the individual claims.

The Examiner rejected 1-17 and 20-33 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement, for the reasons advanced in the Examiner's objection to the specification. Although Applicants respectfully traverse the rejection, the objection is moot in light of the present amendments. As noted above, support in the specification for the presently added limitations is cited in the discussion of the individual claims.

The Examiner rejected claims 1-10 and 12-33 under 35 U.S.C. §102(e) as being anticipated by Bates. In order to more particularly point out the subject matter of their invention, Applicants are hereby amending claims 1, 2, 12, 13, 20, 22, 27, 28 and 30-33.

As amended, each independent claim (1, 12, 20, 27, and 30-33) recites the limitation of "computing a...computer virus alert time corresponding" either to "entry into...[a] computer virus status mode" or to "a...control parameter." This limitation is amply supported by the specification, for example at paragraph 80. Bates, on the other hand, requires that the user manually enter time parameters. See, e.g., Bates, Figure 7, item 214. The programmatic computation of the alert time is distinct over a system in which the user must key in time parameters, at least in that it saves effort and enables much faster and more extensive processing than can be achieved in Bates. The fact that Bates (or more specifically, the microprocessor and microcode in the keyboard as well as the computer operating system under which Bates is running) "automatically" converts the signals generated as the user operates the keyboard into an electronic representation of text is beside the point. In the present invention as recited by the independent claims, the user need not operate a keyboard or any input device at all in order to create computer virus alert times. This is not a trivial distinction, as it enables the system to run at an efficiency and scale which is simply not possible where time parameters must be entered by a human being.

Additionally, each independent claim recites determining the executability of computer content based on either "comparing a time stamp of [the] content with the virus alert time" or on "a control rule," prior to execution of the computer content. Bates does not determine whether content is safe to execute based on such criteria, but simply looks at a timestamp to determine whether the file that is being inspected has been changed. If the file has been changed, Bates can then execute the additional

step of scanning the file for viruses. It is only as a result of the subsequent scanning step that it is determined whether the content can be safely executed. See, e.g., Bates, column 12, lines 59-65.

Once again, such a distinction is not trivial. Bates can determine only which files need to be scanned for viruses, whereas the present invention, as recited by the independent claims, is capable of determining which content is safe to execute, absent an additional, processor intensive, and lengthy virus scan of each file that has been touched.

Applicants' independent claims are patentably distinct over Bates for at least the above reasons.

Each dependent claim is patentable over Bates for at least the same reasons as its parent independent claim. In addition, Applicants' dependent claims contain numerous additional novel features that are not suggested by the prior art.

For the above reasons, the Examiner is requested to withdraw his rejection of claims 1-10 and 12-33; and to allow these claims as amended.

The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Norton AntiVirus Corporate Edition (hereinafter "Norton").

Claim 11 depends upon amended claim 1, which, as discussed above, is patentable.

Furthermore, there exists no motivation to combine Bates and Norton. Any hypothetical combination of Bates and Norton would still fail to disclose or suggest "computing a first computer virus alert time corresponding to entry into the first computer virus status mode" as recited by claim 1, and thus by claim 11. Additionally, such a hypothetical combination would still fail to disclose or suggest "determining the

12

executability of the computer content in response to the result of the comparing step" as recited by claim 1, and thus by claim 11. Therefore, claim 11 is patentable over a hypothetical combination of Bates and Norton for at least the above reasons, and the Examiner is requested to withdraw his rejection of claim 11.

Applicants believe that this application is now in condition for allowance of all claims remaining herein, claims 1-17 and 20-33 as amended, and therefore an early Notice of Allowance is respectfully requested. If the Examiner disagrees or believes that for any other reason direct contact with Applicants' attorney would help advance the prosecution of this case to finality, he is invited to telephone the undersigned at the number given below.

Respectfully submitted,

Edward J. Radlo
Attorney of Record
Reg. No. 26,793

January 30, 2006

SONNENSCHEIN NATH & ROSENTHAL LLP
P. O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(415) 882-2402

cc: SYMPOL
       IP/T docket CH